region6news

Tuesday, August 11, 2015

Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

To receive the Daily News Digest in your inbox, email R6Press@epa.gov.

1 — Residents demand health answers as mine spill fouls rivers, Santa Fe New Mexican, 8/10/2015
http://bit.ly/1gwrp9a
Farmers, towns and tribes slammed water-intake gates shut as a sludge-laden plume from a Colorado mine spill rolled down principal rivers in the desert Southwest on Monday, prompting local officials and families to demand answers about possible long-term threats from heavy metals borne along by the spill.

2 — Frustrations grow at EPA town hall on Animas River spill, KOAT Albuquerque, 8/10/2015
http://www.koat.com/news/nm-gov-to-declare-state-of-emergency-over-animas-river-spill/34639546
Nearly 3 million gallons of contaminated wastewater from Colorado's Gold King mine has made its way into the Animas River since an EPA mistake last week. The wastewater began spilling last Wednesday when an EPA-supervised cleanup crew accidentally breached a debris dam that was flowing at 550 gallons per minute.

3 – Congressional delegation criticizes EPA response on Animas spill, Albuquerque Journal, 8/10/2015
http://www.abqjournal.com/626232/politics/congressional-delegation-criticizes-epa-response-on-animas-spill.html
Several members of New Mexico's congressional delegation wrote Environmental Protection Agency Administrator Gina McCarthy Monday criticizing the agency's response to the Gold King Mine spill that has dumped three million gallons of wastewater into the Animas River.

4 — Thousands of mines with toxic water lie under West, Albuquerque Journal, 8/10/2015
http://www.abqjournal.com/626475/news/nm-news/thousands-of-mines-with-toxic-water-lie-under-west.html
Beneath the western United States lie thousands of old mining tunnels filled with the same toxic stew that spilled into a Colorado river last week, turning it into a nauseating yellow concoction and stoking alarm about contamination of drinking water.

5 — Uncertain future for Houston toxic river dump, Houston Chronicle, 8/10/2015
http://www.houstonchronicle.com/news/houston-texas/houston/article/Uncertain-future-for-Houston-toxic-river-dump-6436372.php
Removing industrial waste from a 14-acre Superfund site on the San Jacinto River could be just as dangerous as leaving it in place, the U.S. Army Corps of Engineers suggested in a report published Monday.

6 — Judge halts new regulations on Osage County oil production, Tulsa World, 8/11/2015
http://www.tulsaworld.com/news/courts/judge-halts-new-regulations-on-osage-county-oil-production/article_a70b0c56-a16d-5f46-b32d-c4b5c0a412fe.html
A judge issued an injunction Monday preventing a series of new federal regulations governing oil production in Osage County from taking effect. U.S. Chief District Judge Gregory Frizzell granted the preliminary injunction following a hearing Monday in Tulsa federal court.

7 – St. Bernard water official tells water committee 'perfect storm' caused temporary chlorine drop, New Orleans Times-Picayune, 8/10/2015
http://www.nola.com/health/index.ssf/2015/08/st_bernard_brain-eating_amoeba_2.html#incart_river
During a St. Bernard Parish Council water committee meeting Monday (Aug. 10), the parish's superintendent of water quality control told councilmen that parish public works personnel were uncertain how the brain-eating amoeba

survived in the parish's water supply this summer because high chlorine levels, which are supposed to prevent the amoeba, largely had been maintained.

8 — Beekeeper says he's glad Oklahoma agency will get busy to save bees, The Oklahoman, 8/10/2015
http://newsok.com/beekeeper-says-hes-glad-oklahoma-agency-will-get-busy-to-save-bees/article/5439066
According to the U.S. Department of Agriculture, managed bee colonies have been on the decline for decades, decreasing from 5 million in the 1940s to 2.5 million today.

9 — Louisiana Offshore Oil Port storage center, one of the nation's largest, getting even bigger, Baton Rouge Advocate, 8/11/2015
http://theadvocate.com/news/13143332-123/louisiana-offshore-oil-port-storage
The Louisiana Offshore Oil Port is adding three new above-ground oil tanks and 1.1 million barrels of storage capacity to its Clovelly Hub, one of the nation's largest oil trading and distribution centers.

10 — Attorney says negotiations with DEQ over landfill violations ongoing, but parish council member still demands answers from administration, Baton Rouge Advocate, 8/11/2015
http://theadvocate.com/news/13145027-123/attorney-says-negotiations-with-deq
An attorney retained by the Tangipahoa Parish Council to seek resolution of charges by state environmental officials of misuse and storage of shredded tires at the parish-operated landfill told the council Monday he anticipates the matter can be settled within the next several months.

11 — Block water rule, states urge judge, Arkansas Democrat-Gazette, 8/11/2015
http://www.arkansasonline.com/news/2015/aug/11/block-water-rule-states-urge-judge-2015/?latest
Thirteen states led by North Dakota asked a federal judge Monday to delay a new rule that gives federal authorities jurisdiction over some state waters. North Dakota Attorney General Wayne Stenehjem filed a motion late Monday in Bismarck seeking a preliminary injunction to prevent the rule from taking effect Aug. 28.

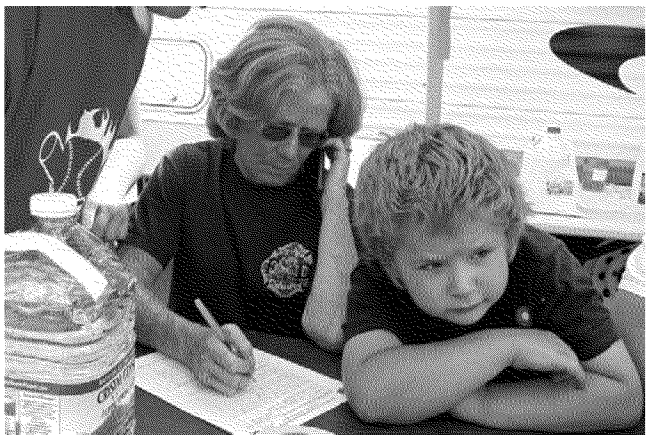
12 — EPA moves to fix air pollution rule after Supreme Court loss, The Hill, 8/8/2015
http://thehill.com/policy/energy-environment/250779-epa-moves-to-fix-air-pollution-rule-after-supreme-court-loss
The Environmental Protection Agency (EPA) is planning to fix by this spring the problem that caused the Supreme Court to rule against its major air pollution regulation in July.

13 — Three Arkansas solar projects in the works, THV 11 Little Rock, 8/11/2015
http://www.thv11.com/story/money/business/arkansas/2015/08/10/three-arkansas-solar-projects-in-the-works/31446449/
As the EPA seeks tougher emissions reduction standards across the country, utilities in the Natural State are turning to solar energy-generation projects.

14 — UA to hold L'Anguille River Watershed forum, Arkansas Democrat-Gazette, 8/11/2015
http://www.arkansasonline.com/news/2015/aug/11/ua-hold-languille-river-watershed-forum/?latest
The Environmental Protection Agency announced on Aug. 3 its final regulations on greenhouse gas emissions from power plants in each state. Called the Clean Power Plan, EPA, once again, has issued far-reaching regulations that are impossible to achieve in the real world.

Residents demand health answers as mine spill fouls rivers

By Susan Montoya Bryan and Ellen Knickmeyer
The Associated Press | Posted: Monday, August 10, 2015 10:00 pm



Residents demand health answers as mine spill fouls rivers

Citizens fill out paper work and drop off water from their ditches, wells, and ponds during water testing at San Juan County's Lee Acres Sheriff's substation in Farmington on Monday. Alexa Rogals/The Daily Times via AP

ALBUQUERQUE — Farmers, towns and tribes slammed water-intake gates shut as a sludge-laden plume from a Colorado mine spill rolled down principal rivers in the desert Southwest on Monday, prompting local officials and families to demand answers about possible long-term threats from heavy metals borne along by the spill.

Colorado and New Mexico declared stretches of the Animas and San Juan rivers to be disaster areas as the orange-colored waste stream estimated to be 100 miles long churned downstream toward Lake Powell in Utah after the spill Wednesday at the abandoned Gold King mine.

The Navajo Nation, which covers parts of New Mexico, Utah and Arizona, also declared an emergency as it shut down water intake systems and stopped diverting water from the San Juan River.

Members of the tribal council were frustrated during a special meeting Monday and echoed the sentiment of New Mexico officials that the federal government needs to be held accountable.

New Mexico Gov. Susana Martinez, who toured the region over the weekend, said she was heartbroken and called the spill a catastrophe.

"It's absolutely devastating," she said.

The 3 million gallons of mine waste included high concentrations of arsenic, lead and other heavy metals. Workers with the U.S. Environmental Protection Agency accidentally unleashed the spill as federal and contract workers inspected the abandoned mine site near Silverton, Colorado.

The EPA has said the contaminants were rolling too fast to be an immediate health threat. Experts and federal environmental officials say they expect the river system to dilute the heavy metals before they pose a longer-term threat.

1783060 ED_000552B_00057248-00003

The EPA said stretches of the rivers would be closed for drinking water, recreation and other uses at least through Aug. 17.

Dissolved iron in the waste turned the long plume an alarming orange-yellow — a look familiar to old-time miners who call it "yellow boy" — so "the water appears worse aesthetically than it actually is, in terms of health," said Ron Cohen, a civil and environmental engineering professor at the Colorado School of Mines.

Tests show some of the metals have settled to the bottom and would dissolve only if conditions became acidic, which isn't likely, Cohen said.

The best course for the EPA would be to leave the metals where they settle, he said, noting that next spring's mountain snowmelt would help dilute the contaminants further and flush them downstream.

No die-off of wildlife along the river has yet been detected. Federal officials say all but one of a test batch of fingerling trout deliberately exposed to the water survived over the weekend.

As a precaution, state and federal officials along the river system have ordered public water systems to turn off intake valves as the plume passes. Boaters and fishing groups have been told to avoid affected stretches of the Animas and San Juan rivers, which are crowded with rafters and anglers in a normal summer.

Congress members, state officials and residents contend the EPA is not providing quick answers about long-term impacts from the spill.

"There are more people who want to know, 'OK, what's going to happen now? Are you going to fix this?' " said Michele Truby-Tillen, a spokeswoman for the San Juan County Office of Emergency Management in New Mexico. "'How are we going to protect our families? How long am I not going to be able to shower at my house?"

Navajo Council members and New Mexico Environment Secretary Ryan Flynn said the EPA needs to compensate those who have been affected.

The state also has demanded that the federal government develop a plan for helping farmers who have been left without irrigation water.

In Cedar Hill, N.M., a family farm that serves as many as 3,000 customers in the Four Corners region has been forced to stop irrigating dozens of acres of crops.

D'rese Sutherland of Sutherland Farmers said she received advanced warning from farmer friends in Colorado last week about the approaching plume.

"By the weekend, without any rain, we'll be in trouble," she said. "There's nothing we can do but wait and see what happens."

1783060 ED_000552B_00057248-00004

Members of New Mexico's congressional delegation sent a letter to EPA Administrator Gina McCarthy, expressing concern over the failure of the agency to notify New Mexico sooner about the problem.

They also asked that the federal agency develop a plan for dealing with the lack of water for communities in San Juan County and the Navajo Nation.

The EPA released a statement saying it was sharing information as quickly as possible with the public as its experts evaluate any effects of the spill. It also provided information about its claims process.

Recreational businesses along the rivers said they were losing thousands of dollars.

"We had lots of trips booked. Right now we're just canceling by the day," said Drew Beezley, co-owner of 4 Corners Whitewater in Durango, Colo.

He said his company has had to cancel 20 rafting trips so far, and his dozen employees are out of work until the river is deemed safe to enter again.

"We don't really know what the future holds yet," said Beezley, who estimates that he's lost about $10,000 worth of business since the spill last week. "We don't know if the rest of this season is just scrapped."

The EPA has considered adding a section of the Animas River in Colorado as a Superfund cleanup site at least since the 1990s because heavy metals from Gold King and other defunct mines were killing fish and other species.

The designation would have brought federal clean-up funds, but some in Colorado opposed the move in part because of the stigma attached. The EPA agreed to allow local officials to lead clean-up efforts instead.

1783060 ED_000552B_00057248-00005



Frustrations grow at EPA town hall on Animas River spill

Everything You Need to Know: Animas River contamination following EPA spill

By Mike [illegible]er
BIO

UPDATED 7:53 AM MDT Aug 11, 2015

Tweet 22
8+1 3

NEXT STORY
Potentially toxic chemicals flood Animas River

Text Size: A A A

Advertising

SHOW TRANSCRIPT

Advertising

FARMINGTON, N.M. — Nearly 3 million gallons of contaminated wastewater from Colorado's Gold King mine has made its way into the Animas River since an EPA mistake last week.

The wastewater began spilling last Wednesday when an EPA-supervised cleanup crew accidentally breached a debris dam that was flowing at 550 gallons per minute.

The spill turned the river into an orange, mucky mess for several days as the plume made its way downstream.

Five days after the spill, southern Colorado and northwestern New Mexico residents continue to avoid the river.

Frustrations grow at EPA town hall

MOST POPULAR

SLIDESHOWS STORIES | VIDEOS

1. See Who Got Arrested



2. Kitchen hacks you have to try!
3. 10 foods to bust belly fat, 10 foods to avoid

Those affected most by the millions of gallons of waste accidentally dumped into the Animas River by an Environmental Protection Agency crew, sounded off at a town hall meeting in Farmington Monday night.

The plume hit San Juan County, has now dumped into the San Juan River and is moving into Utah toward Lake Powell, a popular tourist destination.

SHOW TRANSCRIPT

Aztec and Farmington shut off their intake valves to the river because of the spill and both have now tapped into their water reserves. At the town hall meeting, San Juan County officials asked people to be mindful about conserving water.

Test samples from the waste at the mine showed high levels of hazardous metals like lead and arsenic.

State officials and EPA engineers are waiting on test samples from river water in New Mexico to see if those levels stayed high after the plume thinned out. When they're released, officials will have a better idea of when things might be back to normal.

Until then, farmers can't use the river for crops or livestock and people living off of private wells have no water.

While water is being made available to those people, many of them told us on Monday that the spill is devastating their livelihood.

"The EPA is out of control," farmer Bill Scott said. "I grow alfalfa and sell beef and this is just devastating to farmers, and we're getting little information about the river right now."

Mack McVickers lives on a private well and told us he has to drive from Aztec to Farmington to take a shower every day at a friend's house.

"I'm concerned about my health in the long term, but I can't bathe, can't get any water for my dog, it's inconvenient," McVicker said.

McVicker and many others who attended the meeting wanted to know when the inconvenience will end.

That question couldn't be answered by EPA officials.

Water testing at wells in northwest New Mexico

More than 1,000 wells in San Juan County could be impacted by the spill.

People came out in droves to find out if their water was safe to drink. So far, more than 200 people have brought water in to be tested.

Some of the water samples will be taken off to a lab for further testing, and it may take at least a week for those results to come back.

SHOW TRANSCRIPT

"I mean this is our life blood," Aztec resident Bill Peterson said. "You can bet it's a serious

4. 11 foods that will age you

From the web

- Magazine Lovers Totally Obsessed With This New App
  NextIssue
- New Rule in Texas Has Drivers Fuming
  Provide-Savings.com
- Unbelievable Deals Offered by Credit Cards for Those with Good Credit
  NextAdvisor

Sponsored Links by Taboola

FOLLOW US ON GOOGLE+

KOAT

Follow +1

+ 3,362

Advertising

situation."

The county has declared a state of emergency. In the meantime, people living within one-and-a-half miles of the river are being asked to get their water tested and take precautions.

"Avoid showering, drinking, any type of bodily contact with that water. Don't let the livestock drink it," said Jack King, with the New Mexico Environment Department.

The county is asking people to cut back on their water consumption until it gets the all clear from the EPA.

State officials and the EPA tested both the Animas and San Juan rivers before the plume reached the area, so they can see exactly how the contaminated water affected them.

Resources and information for residents

Two potable water stations have been established in Farmington. They are located at these locations:

--Farmington Fire Station No. 6, 3101 W. Main St.
--Sycamore Park Community Center, 1051 Sycamore St.

The hours for the stations will be from 8 a.m. to 8 p.m., beginning Sunday until further notice.

Residents should bring their own water containers to fill. Large tanks are not permitted.

City officials reminded residents that city water remains safe to drink.

The state has also created a website with the latest information on the spill and water well monitoring information. **CLICK HERE to visit that site.**

State of emergency declared

New Mexico Gov. Susana Martinez declared a state of emergency due to the contamination.

The declaration will make the state and its residents eligible for federal funds to help deal with the fallout.

SHOW TRANSCRIPT

"I had the chance to see the spill with my own eyes. It is absolutely devastating, and I am heartbroken by this environmental catastrophe," Martinez said. "As I've said before, I am very concerned by EPA's lack of communication and inability to provide accurate information. One day, the spill is 1 million gallons. The next, it's 3 million. New Mexicans deserve answers we can rely on."

Martinez was also critical of how long it took the EPA to notify citizens. She said 24 hours was too long, and it's going to be costly to clean up and for those who rely on that river to make a living.

"This would have allowed farmers to get ahead of what was happening more quickly, water their fields, water their cattle, get clean water, whatever they needed from the Animas River before it was too late, but it didn't happen," Martinez said.

Latest from the EPA

EPA staffers told Action 7 News the river will be closed for at least another week.

They do not know how many people are impacted, but said five water supply systems in New Mexico are affected.

They EPA said they have been constantly testing and screening the water. Agency staffers also said there will be an independent investigation into the spill.

A lot of folks are worried about livestock and crops in the heat of the summer.

SHOW TRANSCRIPT

Potential for other issues with mines

The Gold King Mine is just one of thousands filled with the same contaminated water.

Experts estimate that there are 55,000 abandoned mines across the west, and federal and state authorities have struggled for decades to clean them up.

What happened in this instance is part of the reason for the struggle. Accidents can cause lots of damage and be very expensive.

SHOW TRANSCRIPT

Tweet 2 +1 3

Copyright 2015 by KOAT.com All rights reserved. This material may not be published, broadcast, rewritten or redistributed.

Comments | Print

Advertising



Offers from Around the Web

Ads by Adblade


2 Easy Steps to 'Fix' Eye Bags and Remove Appearance of Wrinkles


Duncanville Drivers are Furious Over This 1 New Rule...


3 Death Foods to Avoid. Are These Foods Killing You From The Inside?

RECOMMENDED

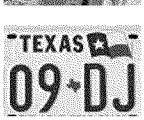
FROM KOAT

- Animas River returning to normal color near Durango
  KOAT.com
- EPA Opens Up About Animas Spill
  KOAT.com
- Missing 19-year-old's body found in Animas River
  KOAT.com
- What caused the EPA spill in the Animas River?
  KOAT.com

FROM AROUND THE WEB

Promoted Links by Taboola


Magazine Lovers Totally Obsessed With This New App
[NextIssue]



New Rule in Texas Has Drivers Fuming
[Provide-Savings.com]

Celebs you didn't know passed

abqjournal.com
http://www.abqjournal.com/626232/politics/congressional-delegation-criticizes-epa-response-on-animas-spill.html

Congressional delegation criticizes EPA response on Animas spill

Michael Coleman / Journal Washington Bureau

Several members of New Mexico's congressional delegation wrote Environmental Protection Agency Administrator Gina McCarthy Monday criticizing the agency's response to the Gold King Mine spill that has dumped three million gallons of wastewater into the Animas River.

Democratic Sens. Tom Udall and Martin Heinrich, along with Rep. Ben Ray Lujan, who represents northern New Mexico, said the EPA needs to improve communication with state and local officials, and the public about the nature of the spill.

"In the immediate wake of the spill and in the days that followed, there was a troubling lack of communication from EPA to federal, state, and local officials," the Democratic lawmakers wrote. " Our offices, as well as leaders in the state and our constituents, had to learn of the spill and critical details from news reports before receiving any information from EPA. Many of our constituents continue to feel that EPA is not providing timely information, and we encourage you to better communicate with impacted communities."

The EPA now says 3 million gallons of wastewater spilled Wednesday and Thursday, instead of 1 million, according to the Associated Press. The revision came after the EPA used a stream gauge from the U.S. Geological Survey. An EPA-supervised crew, who was trying to enter the mine to pump out and treat the water, caused the spill. The agency has not said how long cleanup efforts will take.

But an EPA official said Sunday that she doesn't believe wildlife will suffer significant health impacts from the wastewater from an abandoned mine in southwestern Colorado.

The members of Congress also urged the EPA to appoint one person to oversee the public response to the spill in an area that spans three regions.

"One person overseeing EPA's efforts will help ensure proper communication and collaboration between the regions and between EPA and the public," the lawmakers' letter said.

Moreover, they said there doesn't appear to be a single, comprehensive plan to address the crisis.

"Since learning of the spill, our offices have been in constant communications with EPA, however, we have yet to be presented with a comprehensive plan from the agency to provide water to those whose wells have been affected, farmers whose crops are not being irrigated, ranchers whose livestock are without water, and people for drinking, cooking, and showering," the letter said. "Already, a lack of water is taking a toll on these individuals and their livelihoods."

The full text of the letter is below:

Dear Administrator McCarthy:

It is with great concern that we write to you in the recent aftermath of the release of three million gallons of wastewater from the Gold King Mine in southern Colorado. The spill has contaminated the Animas River, which flows into northern New Mexico and the Navajo Nation. We know that the EPA is working to address the impact of the spill;

1783060 ED_000552B_00057248-00010

however we have many concerns and unanswered questions about this critical effort following a recent community meeting in Farmington, New Mexico.

In an effort to improve communication and coordination, we believe that EPA should establish a single point person to oversee the agency's efforts. With the spill impacting three EPA regions, it is critical that all regions are working collaboratively. We are concerned that data that has been released by Region 8 was slow to be shared with the State of New Mexico. One person overseeing EPA's efforts will help ensure proper communication and collaboration between the regions and between EPA and the public.

Another step we believe should be taken immediately is the establishment of a toll free number for New Mexico residents to call for information about the spill and steps they can take to protect their health and safety. While a phone number has been set up in Colorado, a number for New Mexico has not been established. Please act swiftly to address this.

We request a detailed plan from EPA to address this lack of water in San Juan County and the Navajo Nation. In addition, EPA must provide impacted States with all of the resources that it has at its disposal. The agency should begin by fulfilling the current requests submitted by all of the State partners, including a mobile lab for water quality tests.

As our communities deal with the impacts of the Gold King Mine spill, it is important to know if EPA is conducting any similar work on other mines in region, and if so, are those efforts continuing or have they been halted? We would like to know if EPA had a mitigation plan in place prior to the spill in an effort to prepare for any adverse outcomes during work on the Gold King Mine. If work is occurring on other mines, are there mitigation plans in place for those? In addition, it is important that we do not exacerbate this situation right now and we would like assurances that EPA has or is developing contingency plans for any additional mine failures, heavy rain events or any other scenario that could worsen the situation.

While the immediate efforts are focused on ensuring the health and safety of all those affected by this serious spill, in the coming days and weeks there must be a serious discussion about the financial impact felt by the State of New Mexico, the Navajo Nation, local governments, and individuals. We believe there is a responsibility to make whole all those who have been harmed economically in a timely fashion.

Due to the serious nature of the situation in northern New Mexico, we look forward to a swift response to these concerns, and again encourage EPA to better communicate with the impacted communities.

Sincerely,

Tom Udall

United States Senator

Martin Heinrich

United States Senator

Ben Ray Luján

Member of Congress

CC:

Regional Administrator Ron Curry, Region 6

Regional Administrator Shawn McGrath, Region 8

Regional Administrator Jared Blumenfeld, Region 9

Thousands of mines with toxic water lie under West

Nicholas Riccardi / The Associated Press



DENVER – Beneath the western United States lie thousands of old mining tunnels filled with the same toxic stew that spilled into a Colorado river last week, turning it into a nauseating yellow concoction and stoking alarm about contamination of drinking water.

Though the spill into the Animas River in southern Colorado is unusual for its size, it's only the latest instance of the region grappling with the legacy of a centuries-old mining boom that helped populate the region but also left buried toxins.

Until the late 1970s there were no regulations on mining in most of the region, meaning anyone could dig a hole where they liked and search for gold, silver, copper or zinc. Abandoned mines fill up with groundwater and snowmelt that becomes tainted with acids and heavy metals from mining veins which can trickle into the region's waterways. Experts estimate there are 55,000 such abandoned mines from Colorado to Idaho to California, and federal and state authorities have struggled to clean them for decades. The federal government says 40 percent of the headwaters of Western waterways have been contaminated from mine runoff.

Last week, the Environmental Protection Agency was trying to staunch leakage from a gold mine – not worked since 1923 – high in the San Juan mountains of southern Colorado. But workers moving debris from the mine tunnel accidentally opened up the passage, leading to a million gallons of sludge spilling into a creek that carried it into the Animas River. From there the discharge headed toward the Colorado River, which provides water to tens of millions of Westerners.

"The whole acid draining issue is something we struggle with in the western United States," said Bruce Stover, the Colorado Department of Mining official in charge of dealing with abandoned mines in that state.

One of the complicating factors is money and legal liability. Cleaning up the mines is very costly, and the Clean Water Act says that anyone who contributes to pollution of a waterway can be prosecuted for a federal crime, even if they were trying to clean up pollution. That's kept environmental groups from helping the EPA treat water and tidy up mines. Groups for several years have been pushing for a federal law that would let so-called "Good Samaritan" groups help with cleanup without being exposed to legal liability.

"There's still a whole generation of abandoned mines that needs to be dealt with," said Steve Kandell of Trout Unlimited, one of the organizations backing the bill.

But the Wednesday spill from the Gold King mine shows the amount of damage that the slightest cleanup accident can inflict. The mine is one of four outside the old mining town of Silverton that have leaked heavy metals into Cement Creek, which flows into the Animas. Cement Creek is so poisoned that no fish live there and the EPA has long registered abnormal levels of acidity and heavy metals in the upper Animas that have also injured aquatic life.

Downstream, though, the Animas flows through the scenic town of Durango and is a magnet for summer vacationers, fishermen and rafters. The river turned yellow Thursday, emitting a sickening stench and sending water agencies scrambling to shut off the taps from the waterway.

The EPA apologized profusely to residents for both the accident and failing to warn anyone for the first 24 hours. During a town hall meeting in Durango on Friday, a restaurant owner asked the EPA if it would compensate businesses for lost revenue, while officials warned that the river may turn yellow again in the spring, when snowmelt kicks up the settled contaminated sediment.

The history of the Gold King and its neighboring mines is also an example of the difficulty in cleaning up old waste. The EPA had initially tried to plug a leak in another mine that drained into Cement Creek, the American Tunnel, but that simply pushed more contaminated water out of the neighboring mines such as Gold King.

"In this day and age, everyone wants the quick fix, but these things take time," said Jason Willis, an environmental engineer who works with Trout Unlimited in Colorado. "These are site-specific tasks."

"It's very unfortunate," Stover said. "We've been fighting this war for years."

Free Access View

You've been granted free access to this Houston Chronicle article.

Subscribe today for full access to the Houston Chronicle in print, online and on your iPad.

SUBSCRIBE

HOUSTON

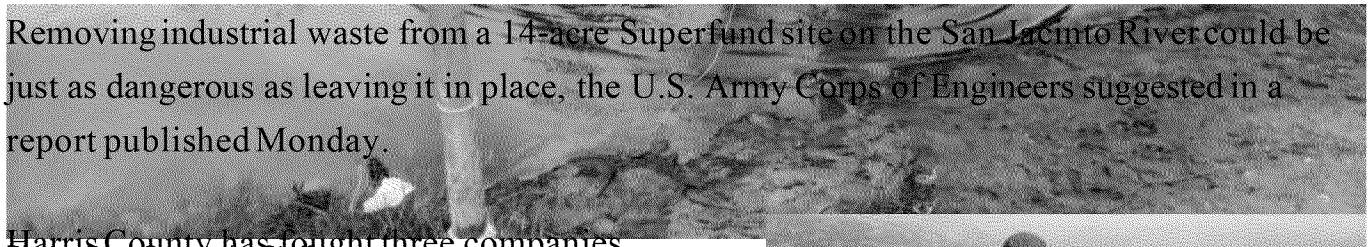
Uncertain future for Houston toxic river dump

Army Corps of Engineers suggests removal is as dangerous as leaving it

By Mark Collette and Matt Dempsey | August 10, 2015 | Updated: August 10, 2015 8:26pm

2





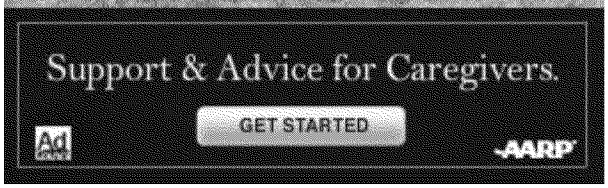
Removing industrial waste from a 14-acre Superfund site on the San Jacinto River could be just as dangerous as leaving it in place, the U.S. Army Corps of Engineers suggested in a report published Monday.

Photo: Gary Coronado, Staff

Harris County has fought three companies over the pollution for years, and the state is considering whether there is a link between elevated cancer rates in the area and the waste that fouled the river for decades. The companies have suggested the much-cheaper alternative - leaving the sludge buried in pits capped by membranes and rocks - is enough to protect the public. But the county and some cancer-plagued residents say the gunk has got to go.



John Fuller, 43, ignores posted danger signs not to consume



Both sides are likely to find fodder in the exhaustive and highly technical 211-page Army Corps report, which considers dangers from erosion, tides, floods, storms, barge crashes and more. The report doesn't advocate for a particular cleanup option.

The U.S. Environmental Protection Agency sought the Corps' input after questions arose about the objectivity of the companies' own analysis. Jackie Young, who grew up near the pits, was frustrated by the report's ambivalence.

"Leaving the waste there under the cap does not meet the EPA's own guidelines," Young said. "Their mission is to protect human health and the environment. We're fighting to see them do that."

EPA officials could not immediately be reached for comment.

Already, Texas and Harris County settled a lawsuit for $29 million with McGinnes Industrial Maintenance Corp. and Waste Management Inc., allegedly responsible for having paper mill wastes dumped on the riverbanks in the 1960s, including dioxins, carcinogens linked with a battery of potential health effects. The county is appealing a verdict won by the third company, International Paper.

1783060 ED_000552B_00057248-00016

More than 170 people in Highlands and Channelview, plus fishermen who for decades have eaten and sold their catches in the river and Galveston Bay, joined in the suits.

The settlement money isn't allowed to be used for medical expenses or cleanup at the site, under EPA jurisdiction. It's up to the EPA to decide what, if anything, the companies will have to do. Estimates to fully remove the contaminants from a portion of the site start at about $104 million.

The Army Corps analysis "showed that the cap is expected to be stable and permanent, requiring only maintenance or repair following unusual catastrophic events," with leakage comparable to or smaller than losses from removing the waste altogether, according to a summary.

The report also suggested that removal using "best construction practices" could be just as effective as leaving a cap on the pits.

"There's no excuse for assuming they would not use the best practices in the world," Young said.

She fought for a cancer cluster investigation by the state and rallied the community around the site. In June, the state identified several census tracts near the river with greater-than-expected incidences of childhood cancers of the eyes, skin and brain. A state panel will study whether a deeper investigation - one that could determine a causal relationship - is feasible.

To Young, as long as the cap and the contaminates underneath remain, the community will live in fear.

She worries about what would happen if a hurricane hit the area, or if a barge struck and damaged the cap.

A spokesman for McGinnes called the report "comprehensive and fact-based," and said the company would follow the EPA's direction. A spokesman for International Paper also emphasized that company's cooperation. The EPA doesn't consider Waste Management a responsible party for the cleanup.

Leaving the waste in place isn't a good idea, said Rock Owens, an environmental attorney for Harris County. He said the cleanup also has to be handled correctly.

"It remains to be seen what the best way to do this is," Owens said.



Mark Collette
Investigative Reporter



Matt Dempsey
Data Reporter

HEARST newspapers

© 2013 Hearst Newspapers, LLC.

Judge halts new regulations on Osage County oil production

By CURTIS KILLMAN World Staff Writer | Posted: Tuesday, August 11, 2015 12:00 am

A judge issued an injunction Monday preventing a series of new federal regulations governing oil production in Osage County from taking effect.

U.S. Chief District Judge Gregory Frizzell granted the preliminary injunction following a hearing Monday in Tulsa federal court.

Groups representing the Osage Nation and oil producers operating in Osage County sued the federal government in early July, claiming new rules about to take effect would lead to decreased production and royalties and effectively kill the oil industry in the largest county in the state.

Among other concerns, the producers claimed the new regulations would increase their costs tremendously, while the Osage Nation claimed the new rules infringed upon their sovereignty.

In the end, Frizzell found that the federal government failed to provide a factual basis for its determination that the new regulations would not adversely impact small businesses.

The judge also determined that the federal government overstepped its authority in determining how much royalties should be paid by leaseholders.

An attorney representing the oil and gas producers in the county called the ruling the first step in a longer battle.

"It's a huge relief," said Osage Producers' Association attorney Jaime Sicking Jr., after the hearing. "It's going to allow those families that are producing in Osage to continue at least for the time being. We were seriously looking at a shutdown at 5 o'clock. Now we can live to fight another day."

Unlike the other counties in Oklahoma where oil and gas production is regulated by the state Corporation Commission, the Osage Nation owns the mineral rights in most of Osage County. The U.S. Bureau of Indian Affairs, a unit of the Department of Interior, issues drilling permits in the county.

The new regulations at issue were rewritten as part of a 2011 settlement between the Osage Nation and the federal government regarding alleged mismanagement of the tribe's oil and gas mineral estate.

The agreement, whereby the federal government paid tribal shareholders $380 million to settle the case, called for the Osage Minerals Council, an independent agency within the Osage Nation, to negotiate new regulations with the Department of Interior.

1783060 ED_000552B_00057248-00019

The Council and federal officials met between August 2012 and April 2013 to develop the new rules, with proposed new rules being published in August 2013.

The final regulations were published in May, with an effective date of July 10.

However, before the regulations could take effect, the Osage Minerals Council and the Osage Producers Council sued the Interior Department and BIA, in early July seeking to block the new rules.

About 150 people jammed into the courtroom Monday to hear the proceedings with many moaning at comments from attorneys for the federal government. The groans at one point prompted Frizzell to ask a government attorney if he wanted to repeat what he just said to the audience behind him.

Frizzell elicited another series of groans from the gallery when he announced that the morning price of oil was about $43.50 per barrel.

There are approximately 14,500 producing wells in Osage County on about 4,500 separately owned oil and gas leases, according to the Osage Producers Council.

The operators contend the new regulations, which range from increasing bonding and maintenance requirements to increased royalty percentages, will cause many to simply pack up and move to other areas of the state or other states.

Meanwhile, the Interior Department counters that the rule has yet to take effect and a barrel of crude oil is half of what it was a year ago.

"Their alleged harm is purely speculative," federal officials claim in court filings.

In court filings, the BIA also noted it had already spent $3 million getting ready for the new regulations, including spending $2 million to hire new staff.

Furthermore, the BIA counters that the Osage Minerals Council has not explained how it will be harmed by the new regulations.

"Instead, Counsel has asked this Court to simply assume that it will be harmed and that the harm, whatever it might be, will be irreparable," the BIA states in its court filing.

Ty Bair, attorney for the U.S. Department of Justice, told the judge that the only harm that could be claimed was monetary in nature and the U.S. Court of Federal Claims was the proper venue for such claims.

"The increased bonding requirements are intended to cover the cost of plugging wells because the prior bonding amount did not correspond to actual plugging and remediation requirements," according to the BIA.

Paul Revard testified that the new regulations imposed by the federal government would have a devastating impact on the 36 wells he operates in Osage County.

1783060 ED_000552B_00057248-00020

"My average well is probably a barrel a day," Revard said, referring to its production.

"More than likely it will put me out of business shortly," Revard replied, when asked of the impact of the new regulations.

An economist hired by the Osage Minerals Council said many of the wells "teeter on the edge of economic viability."

Sicking said he hopes the regulations are eventually scrapped.

"We need to start the entire process all over again and have some meaningful dialogue with all of the stakeholders in Osage County and we need to draft rules that are tailor-made for Osage County instead of trying this one size fits all" rule, Sicking said.

For now, the existing regulations will continue at least through spring, with court filing deadlines in the cases scheduled through April 14.

Everything New Orleans

St. Bernard water official tells water committee 'perfect storm' caused temporary chlorine drop

Benjamin Alexander-Bloch, NOLA.com | The Times-Picayune By **Benjamin Alexander-Bloch, NOLA.com | The Times-Picayune**

Email the author | Follow on Twitter

on August 10, 2015 at 7:40 PM

During a St. Bernard Parish Council **water committee meeting** Monday (Aug. 10), the parish's superintendent of water quality control told councilmen that parish public works personnel were uncertain how the **brain-eating amoeba** survived in the parish's water supply this summer because high chlorine levels, which are supposed to prevent the amoeba, largely had been maintained.

And Jacob Groby said the only reason that chlorine levels were **well below state-mandated levels** when the water was tested last month at three Arabi site was due to "a perfect storm."

Groby said that chlorine drop occurred between July 23 and July 25. State Department of Health and Hospitals **have said they found the low chlorine levels** on July 24.

But Groby said Monday that a state-recommended switch from chloramine to pure chlorine had caused a temporarily low chlorine level during that one day of state testing.

And he said that the chlorine further dropped because of a move from extreme flushing of the water -- opening fire hydrants to increase the pressure of the water's flow -- to a sudden end of that flushing.

He said the increased pressure from the flush caused "scale deposits," basically shedding of material that had built up inside Arabi's aged cast-iron potable water pipes. And he said that when the parish stopped the flush -- as requested by DHH officials so that they could sample the water -- that those deposits suspended in the water "like after you shake a snow globe."

"And what little bit of chlorine left in the water was almost instantly dissipated" because of those deposits, Groby said.

DHH initially announced on July 22 that it had found the amoeba at the 948 Angela St. sampling station during testing on June 24.

Then on DHH's recommendation, the parish on July 23 started a 60-day "chlorine burn," pushing into the water system additional chlorine to kill the dangerous Naegleria fowleri amoeba. That burn consisted of increased flushing and switching from a chloramine to a pure chlorine disinfectant.

1783060 ED_000552B_00057248-00022

The parish disputed the state's first amoeba finding, saying it was an anomaly caused because that Angela station had been damaged. So on July 24, the state retested the now-repaired Angela station again, along with two other nearby sampling stations.

During that July 24 retesting, DHH officials found the amoeba at all three of those sites, and it also found chlorine levels of only between 0.01 and 0.08 milligrams per liter of water at those three sites in Arabi – well below the 0.5 milligrams per liter of water required by the state that federal and state officials say prevents the amoeba.

But Groby said that dip only lasted for a few days in July because of the anomaly of that perfect storm, and that now the levels were well above 1.0 milligrams per liter of water. Before the chlorine burn is stopped, the whole parish water system must reach 1 milligram of chlorine per liter of water and maintain that heightened level for 60 days, according to DHH

In addition to requesting Groby's explanation and update, Councilman Ray Lauga, chair of the parish's Water and Sewer Committee, asked Monday for updates on the upcoming water and sewer infrastructure projects.

Robert Delaune, an environmental engineer with Digital Engineering who is overseeing the water projects, said the first water project will begin on Aug. 24 and will only include replacing portions of lines on Mehle Street, Friscoville Street and Rowley Boulevard, all in Arabi. He said Angela upgrades might begin by January and that other projects would soon follow.

Meanwhile, Adam Faschan, an engineer with BCG Engineering & Consulting overseeing the sewer projects, said the first sewer project likely would not begin until January.

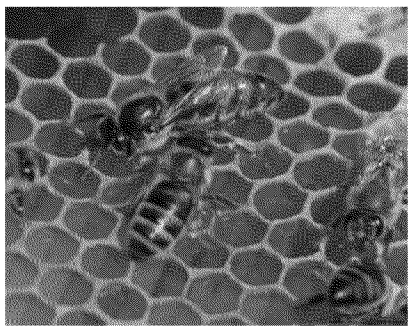
© 2015 NOLA.com. All rights reserved.

Beekeeper says he's glad Oklahoma agency will get busy to save bees

Oklahoma's agriculture department plan includes several steps to take sting out of colony collapse.

By Josh Wallace Staff Writer jwallace@oklahoman.com • *Published: August 9, 2015*

Randy Brady, beekeeper and owner of Cripple Creek Farms near Guthrie, said the decline of honeybee colonies is an issue never far from his mind.



The queen bee, top, is larger compared to other bees, seen as Brian Royal demonstrates beekeeping techniques to the Noble Bee Keepers Club in 2013.

[Photo by Steve Sisney, The Oklahoman Archives]

According to the U.S. Department of Agriculture, managed bee colonies have been on the decline for decades, decreasing from 5 million in the 1940s to 2.5 million today.

In addition to producing honey, bees pollinate nearly $10 billion worth of crops every year and are responsible for the pollination of 15 to 30 percent of food consumed in the U.S., according to the USDA.

Working to find solutions to the problem, the Oklahoma Department of Agriculture, Food and Forestry will host a public hearing on its draft pollinator protection plan from 1 to 3 p.m. Tuesday in the auditorium of Langston University's Oklahoma City campus, 4205 N Lincoln Blvd.

"This is an incredibly complicated thing," Brady said. "I'm impressed that they're actually working on putting something in place."

Some of the proposals outlined in the plan are geared toward educating the public, including adding pollinator protection information to Oklahoma Ag in the Classroom, a program designed to introduce agriculture to children.

Other proposals include developing and distributing a list of alternative pesticides less toxic to bees, creating a website with information on protecting pollinators and planning activities for Oklahoma Pollinator Week.

Though much of the state's draft plan is geared toward reducing the impact agricultural pesticides have on bee populations, the underlying theme revolves around fostering communication between farmers and beekeepers.

Growing up farming and raising livestock before taking up beekeeping full time, Brady has insight into both worlds.

"I grew up in the northwestern part of the state, with cattle and wheat mostly, so I have a little different perspective. I kind of know what goes on both ends," he said.

Although agricultural pesticides are a factor in the declining populations, Brady said they're just one of several issues that can lead to colony collapse.

"Everybody wants to blame it on pesticides, that's the easy target," he said.

"The reality is pesticides are a necessary evil, you can't farm without (them), in a significant operation, I mean you have to use them. It's, I think, educating the public, and the farmers, and the applicators, and the beekeepers how we can try to coordinate those things, there are things we can do, and believe it or not, one of the biggest pesticide problems comes from the beekeeper."

Brady said honeybees are targeted by a parasite known as the varroa mite that can kill off a colony if left untreated. He said some beekeepers trying to get rid of the mites rely upon pesticides, but chemical residue seeps into the hive, which can affect multiple generations.

Brady cited other causes of the decline in bee populations.

"You have the heat and the drought we had, and lack of forage, that has a significant effect. You just keep putting this on top of this and eventually you get to what they call colony collapse, boom. It's just too much, it's that last straw that was just, they're done."

Brady said he is excited about a proposal in the draft plan to encourage community involvement. He said bees have few places to forage in urban environments, but that could be reversed by simple changes.

"The bulk of this document is focused on the big players, the big beekeepers, the big farmers, the big pesticide people," he said.

"But I think we overlook the impact that everybody can have, and that is people planting some things in their yards, cities having their green belts, think about what they're planting in their green belts, something that would be pollinator friendly."

Ultimately, Brady said, communication between farmers, pesticide applicators, and beekeepers is vital to begin making a difference. He said laying blame on one group or another is counterproductive and working to correct the situation is a burden they all share.

"I think we all need to be aware of the other one's problem, the other one's issues, because if we get out here as beekeepers and start blaming the farmers, or the pesticide applicators, or the farmers start, you know, we all start pointing the finger at each other, nothing, you know, that gets us nowhere," he said.

NewsOK.com has disabled the comments for this article.

Louisiana Offshore Oil Port storage center, one of the nation's largest, getting even bigger

Clovelly Hub will hold 10.1 million barrels in above-ground storage

BY RICHARD THOMPSON
rthompson@theadvocate.com

The Louisiana Offshore Oil Port is adding three new above-ground oil tanks and 1.1 million barrels of storage capacity to its Clovelly Hub, one of the nation's largest oil trading and distribution centers.

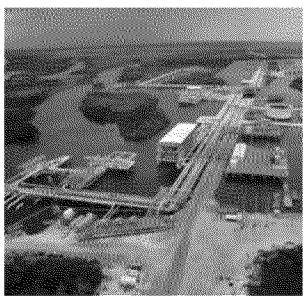


Photo courtesy of Louisiana Offshore Oil Port -- A network of pipes and structures are all that's visible of the Louisiana Offshore Oil Port LLC's underground storage facility at Clovelly. Storage includes eight salt caverns. LOOP is adding three above-ground oil tanks and 1.1 million barrels of storage capacity.

The new tanks will increase Clovelly's above-ground storage to 10.1 million barrels. LOOP also has 60 million barrels of underground storage.

"We are expanding to meet the changing needs of our industry," said Tom Shaw, president of LOOP LLC, which owns and operates the Clovelly Hub. "Expanding North American production has made the Clovelly Hub an even more attractive destination for crude producers and shippers demanding high-volume storage and ready access to refiners."

The project is estimated to cost more than $25 million and is set to be finished by late next summer, said Terry Coleman, LOOP's vice president of business development.

The hub receives domestic and international crude via ships and pipelines, temporarily storing the oil before sending it on to U.S. refineries. The Clovelly Hub receives oil from wells in Texas, the Gulf of Mexico and the U.S. mid-continent.

"Last year was the first time in 34 years that we received, stored and distributed more domestic crude oil than foreign," Shaw said.

LOOP, which has a staff of about 205 full-time employees, opened in 1981 to accommodate large crude oil carriers from across the globe. But that's changed

1783060 ED_000552B_00057248-00026

over time: imports at LOOP have fallen to almost half the 1 million barrels a day that the facility managed in 2008.

Meanwhile, U.S. daily oil production continues to rise, having hit 9.5 million barrels a day in May, up from 8.6 million barrels a day a year ago, according to the federal Energy Information Administration. Brent crude, a benchmark for international oils used by many U.S. refineries, rose $1.80 to close Monday at $50.41 in London, but down to more than half the price a year ago.

Having the additional storage space at LOOP — already the largest privately owned repository for crude oil destined for refineries in the U.S. — is good for the state, said Don Briggs, president of the Louisiana Oil & Gas Association.

"It gives us more capacity, more reserve, and more capabilities to bring in additional crude," Briggs said. "What drives a lot of this new storage — not just here, but in other parts of the world — is the fact that oil prices are so low. When you have cheaper oil prices, it's a good time to be able to buy, but it doesn't do you any good to buy if you don't have a place to put it."

Eric Smith, an associate director of the Tulane Energy Institute, said LOOP's decision to expand its above-ground storage makes sense given that the U.S. has imported less foreign crude oil in recent years.

"This has opened up space, if you will, in their physical facilities both offshore and onshore, and they're trying to figure out ways to monetize that capacity," Smith said. "One way is to rent it out to other people."

With that new capacity will come new opportunity for some traders, he said.

"People are saying, 'I can buy this crude really cheap right now in this low price scenario; it's not sustainable, it can't go on forever,' " Smith said. " 'If I buy it, put it in storage, pay the storage fee to LOOP and sell it two years from now, I'll make a lot of money.' That's the basic economic rationale for doing it."

Follow Richard Thompson on Twitter, @rthompsonMSY.

Copyright © 2015, Capital City Press LLC • 7290 Bluebonnet Blvd., Baton Rouge, LA 70810 • All Rights Reserved

Attorney says negotiations with DEQ over landfill violations ongoing, but parish council member still demands answers from administration

By VIC COUVILLION
Special to The Advocate

AMITE — An attorney retained by the Tangipahoa Parish Council to seek resolution of charges by state environmental officials of misuse and storage of shredded tires at the parish-operated landfill told the council Monday he anticipates the matter can be settled within the next several months.

Beau James Brock, a Baton Rouge lawyer, presented the council with a lengthy report on progress being made in the effort to end the parish's dispute with DEQ without the parish having to pay potentially heavy fines. Brock said he and his team have assembled many pages of documents on the use of the shredded tires and have shared this information with the state Department of Environmental Quality.

In June, DEQ notified the parish that the landfill, which is located near Independence, was in violation of state-issued permits regarding the use of the shredded material and storage of the tires at the landfill.

DEQ questioned the use of the shredded material at a firing range which has been under construction for many years and remains unfinished. The notification from DEQ includes the threat of fines.

Brock's Aug. 7 response to DEQ states the parish seeks "to maintain complete transparency and cooperation with DEQ and is providing all the information possible." He also notes the parish has taken steps to comply with the regulations concerning the construction of the firing range.

His reply concedes the parish failed to obtain written pre-authorization from DEQ on the stabilization of the base on one slope of the firing range. Brock's findings show DEQ's original written approval for the firing range project was made June

1783060 ED_000552B_00057248-00028

19, 2008. The document notes that additional meetings and approvals were also entered into after this date, extending and expanding upon the project's approval at the site. The last written approval for the scope of the firing range project came from DEQ on Oct. 31, 2013.

Brock told the council that negotiations with DEQ have been amicable. He said in an interview that DEQ "does not want to punish taxpayers. ... They would rather reach an agreeable settlement for all concerned."

The shredded tire issue at the landfill prompted a request from Councilman Carlo Bruno that Parish President Gordon Burgess and Director of Finances Jeff McKneely answer 11 questions submitted by the parish council July 23. Bruno said the council received a reply to the questions, but the reply had been prepared by Brock.

"I find this unacceptable," Bruno said. "I voted against hiring an attorney because I knew that we would get answers from a lawyer and not from the administration. What we got was a lot of legal jargon."

The first four questions concern the firing range, with the council asking why construction of the range began without council permission. They also asked for documentation concerning DEQ approval for the range and how the tire material was to be used. The list of questions also covers when the parish administration knew about the possible misuse of the shredded tires and why the council was not informed about this impending problem.

The other questions concern communications between the parish and DEQ. The final question asks McKneely to report on how much money the parish has spent on fuel, equipment, dirt and manpower since 2006 on the firing range project.

Copyright © 2015, Capital City Press LLC • 7290 Bluebonnet Blvd., Baton Rouge, LA 70810 • All Rights Reserved

View Today's Arkansas Democrat-Gazette Print Edition

Logged in as EPA REGIONSIX Settings | Help | Logout

ArkansasOnline

91° Little Rock

Search ArkansasOnline

Home News Obituaries Business Entertainment Sports Photos Videos Features Events Classifieds Jobs Homes Autos

Crime Right2Know Traffic Archives News Tip Whole Hog Sports Sync Weekly Arkansas Life Place an Ad Arkansas Daily Deal

Tuesday, August 11, 2015, 9:39 a.m.





Block water rule, states urge judge

For 13 suing EPA, including Arkansas, N.D. seeks injunction

0

By JAMES MacPHERSON, The Associated Press
This article was published today at 4:26 a.m.

Comments Font Size

BISMARCK, N.D. -- Thirteen states led by North Dakota asked a federal judge Monday to delay a new rule that gives federal authorities jurisdiction over some state waters.

North Dakota Attorney General Wayne Stenehjem filed a motion late Monday in Bismarck seeking a preliminary injunction to prevent the rule from taking effect Aug. 28.

Stenehjem said he was hopeful a judge will grant a hearing on the injunction within the next few days.

North Dakota is leading a lawsuit filed June 29 that challenges a rule from President Barack Obama's administration that gives federal agencies authority to protect some streams, tributaries and wetlands under the Clean Water Act. Stenehjem said the "Waters of the U.S." rule by the Environmental Protection Agency and the Army Corps of Engineers is "unnecessary" and "unlawful."

"The rule is perhaps the most controversial and widely objectionable rule that would usurp state and local control over vast reaches of water in North Dakota and across the nation," he said in a statement.

The rule is a response to calls from the U.S. Supreme Court and Congress for the EPA to clarify which smaller waterways are protected. The EPA said the rule aims to help landowners understand which waters fall under the Clean Water Act.

Some landowners are worried that even a ditch or puddle could fall under federal regulations.

States joining the lawsuit with North Dakota are Alaska, Arizona, Arkansas, Colorado, Idaho, Missouri, Montana, Nebraska, New Mexico, Nevada, South Dakota and Wyoming.

Stenehjem and attorneys general and officials from 30 states sent a letter last month to the EPA and the Corps asking that the new rule be postponed at least nine months.

"A federal regulation of this scope and significance demands a thorough judicial review before imposing costly and disruptive burdens on the states and their citizens," the letter said.

The agencies have not responded to the letter.

Robert Daguillard, an EPA spokesman, said Monday that the agency is still "carefully reviewing" the letter.

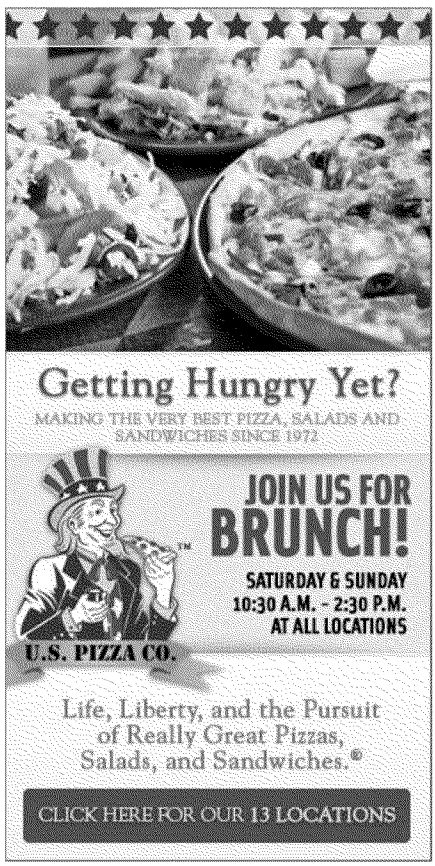
In addition to the lawsuit led by North Dakota, dozens of others have been filed by businesses, agricultural groups and others in at least eight U.S. district courts.

The EPA and the Corps have asked that the lawsuits be consolidated in a single district court.

Stenehjem said his injunction request asks that the lawsuits not be consolidated.

"We think we have specific arguments," he said.

ADVERTISEMENT



ADVERTISEMENT

MOST POPULAR

Viewed Commented

Two dead in North Little Rock shooting

Sports

Crisis flag up for Ferguson after shooting

LR district offers teacher contract

Today's Newspaper

In-home care in '16 to go private

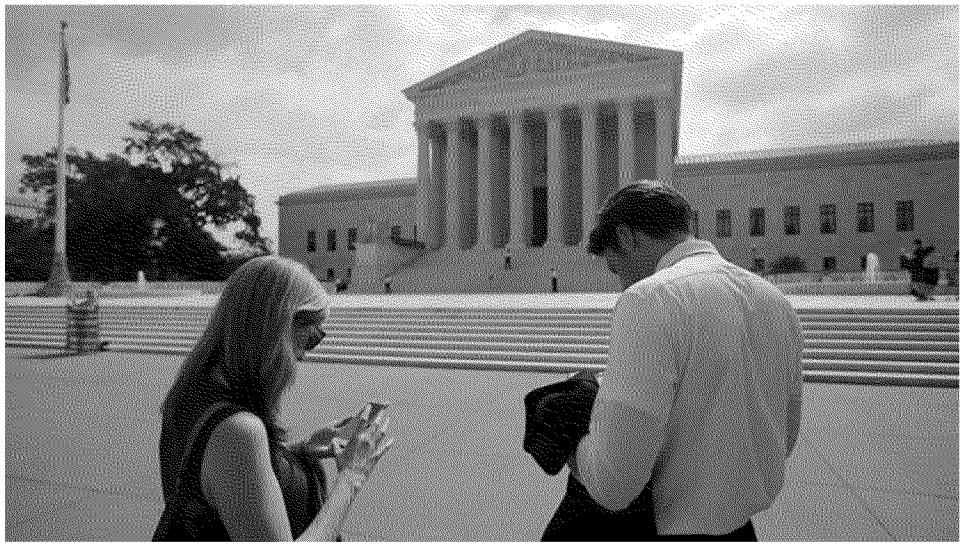
SHOPPING

Arkansas Daily Deal

1783060 ED_000552B_00057248-00030

THE HILL

EPA moves to fix air pollution rule after Supreme Court loss



By **Timothy Cama** - 08/10/15 05:09 PM EDT

The Environmental Protection Agency (EPA) is planning to fix by this spring the problem that caused the Supreme Court to rule against its major air pollution regulation in July.

The EPA told a lower court on Monday that it is formulating a plan to conduct cost-benefit analysis as part of a revision of its finding that the mercury rule is "appropriate and necessary."

"EPA intends to submit a declaration establishing the agency's plan to complete the required consideration of costs for the 'appropriate and necessary' finding by spring of next year," the agency wrote in a filing with the Court of Appeals for the District of Columbia Circuit.

The high court **told** the agency in *Michigan v. EPA* that it should have considered the costs of regulating emissions of mercury, arsenic and acid gases from coal-fired power plants before deciding to write the regulation.

The circuit court is responsible for deciding how the case moves forward after the Supreme Court sent the case back to it. So far, it has not asked the EPA to submit anything about how the case will proceed.

The regulation remains in effect while the circuit court decides whether to block its enforcement and how the EPA can fix the cost analysis problem.

While the EPA conducted a cost-benefit analysis as part of the regulating process and found about a 10-1 ratio of health benefits to compliance costs, the Supreme Court found that the unique "appropriate and necessary" language in the Clean Air Act required the agency to go through such an analysis before even deciding to regulate.

The EPA's statements about the harms of air pollution, both publicly and in the court filing, strongly hint that it will conclude that its regulation is justified.

EPA head Gina McCarthy said a week after the ruling that she is **confident** that the mercury regulation will stand up and its benefits will be realized.

"The majority of power plants have already decided and invested in a path to achieving compliance with those mercury and air toxic standards," she said. "So we are well on our way to delivering the toxic pollution reductions that people expected."

The Monday filing came in response to a motion from a Colorado utility, which faces an April deadline to either upgrade a specific coal-fired power plant or shut it down to comply with the rule.

The utility asked the court to extend its deadline due to the Supreme Court ruling, a motion that both the EPA and a group of competing utilities opposed, arguing that the lower court should be allowed to go through its normal considerations regarding the future of the rule.

TAGS: Environmental Protection Agency, Air pollution, Supreme court

1783060 ED_000552B_00057248-00031

SolarCity Every 3 minutes somebody switches to solar with us. GET A QUOTE

Three Arkansas solar projects in the works

As Arkansas Business' Lance Turner explains, three solar projects are in the workers in Arkansas. THV11.com 8/10/15 KTHV

THV11 Digital Team, news source *10:37 p.m. CDT August 10, 2015*



(Photo: Arkansas Business)

LITTLE ROCK, Ark. (KTHV) - As the EPA seeks tougher emissions reduction standards across the country, utilities in the Natural State are turning to solar energy-generation projects.

As Arkansas Business (http://www.arkansasbusiness.com/) reports, three projects are in the workers in Arkansas.

There have been early signs this year that a solar revolution of sorts is taking hold in Arkansas with utilities eyeing three key solar power projects.

In Springdale, the Ozarks Electric Cooperative plans a 1-megawatt solar-generation facility. Ozarks hopes to begin construction in September and have it online by spring.

In east Camden, Arkansas Electric Cooperative Corp. plans a 12-megawatt solar generation facility. It's set to come online by late this year.

And near Stuttgart, Entergy Arkansas plans an 81-megawatt facility that would be the state's largest.

The Arkansas Public Service Commission, which must approve the project, has scheduled a hearing for the project's approval in September.

Entergy wants the plant online by mid-2019. It would provide a cleaner source of power than other coal-fired power plants in the company's portfolio.

Entergy Arkansas executive Kurt Castleberry called the Stuttgart project economically attractive, and says it will be an emissions-free resource that offers benefits for customers.

According to the Solar Energy Industries Association, 2 megawatts of solar energy were installed in Arkansas in 2014, a tenfold increase over the previous year. That brought the total installed capacity in Arkansas to 4 megawatts — enough to power 400 homes, ranking the state 40th in total capacity.

Read or Share this story: http://on.kthv.com/1NmIrkK

View Today's Arkansas Democrat-Gazette Print Edition

Logged in as EPA REGIONSIX Settings | Help | Logout

ArkansasOnline

91° Little Rock

Search ArkansasOnline

Home News Obituaries Business Entertainment Sports Photos Videos Features Events Classifieds Jobs Homes Autos

Crime Right2Know Traffic Archives News Tip Whole Hog Sports Sync Weekly Arkansas Life Place an Ad Arkansas Daily Deal

Tuesday, August 11, 2015, 9:40 a.m.

TREATING YOUR MIND, BODY AND SPIRIT in West Little Rock. DISCOVER WHAT'S NEW

CHI St. Vincent

TOP PICKS
Capture Arkansas
Upload photos and vote for your favorites in the Capture Arkansas contest.



UA to hold L'Anguille River Watershed forum

By The Associated Press
This article was published today at 7:11 a.m.

0

Comments (2) Font Size

LITTLE ROCK — Arkansans who live, work or visit the L'Anguille River Watershed will have a chance to voice their concerns about water quality and water pollution there.

The University of Arkansas System Division of Agriculture is hosting a forum Aug. 20 on the watershed, which covers parts of Craighead, Cross, Lee, Poinsett, St. Francis and Woodruff counties.

The L'Anguille River and other streams in the watershed, which is primarily used for agriculture, have high turbidity levels and sediment from runoff water.

The Arkansas Natural Resource Center's priority watershed program aims to reduce pollutants and restore all of a waterway's designated uses.

Tweet 2 g+1 0 Like Share Be the first of your friends to like this.

ADVERTISEMENT

ArkansasOnline
Are you an Arkansas Democrat-Gazette print subscriber?
You get FREE digital access
Activate your subscription



More *Latest News*

Bush links Clinton to rise of Islamic State
Japan restarts reactor after break due to Fuk...
Mississippians charged with trying to join Is...
Safety board to meet to determine cause of Tr...
UA to hold L'Anguille River Watershed forum
Ozarka College receives FAA approval for pilo...
Benton's Triple Threat due back on 'America's...
Silver Alert issued for missing Vilonia man
Crisis flag up for Ferguson after shooting

More Latest News stories >

You May Like

Sponsored Links by Taboola

#1 Worst Exercise That Ages You Faster
MAX Workouts Fitness Guide

Her Dress Dropped Jaws At The 2015 Met Gala
StyleBistro

State-By-State, The Richest People In America
Forbes

ADVERTISEMENT

BETTER SLEEP STARTS HERE in West Little Rock.
CATCH SOME Z's

CHI St. Vincent

ADVERTISEMENT

MOST POPULAR

Viewed Commented

Two dead in North Little Rock shooting
Sports
Crisis flag up for Ferguson after shooting
LR district offers teacher contract
Today's Newspaper
In-home care in '16 to go private

SHOPPING

Arkansas Daily Deal